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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GLENFORD BUDD,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No: 2:16-cv-00613-RFB-BNW

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE OR ANSWER TO SECOND
AMENDED PETITION (ECF NO. 50)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of sixty (60) days from the current due date of February 17, 2023, up to and including April 18, 2023, in which to file their response or answer to Petitioner Glenford Budd's Second Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2254 (ECF No. 50). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to respond to the Second Amended Petition. The request is brought in good faith and not for the purpose of delay.

DATED: February 17, 2023.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Erica Berrett
Erica Berrett (Bar. No. 13826)
Senior Deputy Attorney General

DECLARATION OF ERICA BERRETT

STATE OF NEVADA)
COUNTY OF CLARK) ss:

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Glenford Budd v. Renee Baker, et al.*, Case No. 2:16-cv-00613-RFB-PAL, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to file an answer or response to the Second Amended Petition (ECF No. 50) is February 17, 2023. I have been unable with due diligence to timely complete the answer or other response. This is Respondents' first motion for enlargement of time to respond to the Second Amended Petition, although this Court *sua sponte* extended the time for response because Respondents had not received notice of this Court's scheduling order following the lift of the stay in this case. ECF No. 71.

4. Since the stay was lifted in this case, I have been overwhelmed with deadlines in other federal habeas cases. I have not taken a single day off of work in over three-and-a-half months, working all holidays and weekends, in addition to normal business hours, in an effort to manage my caseload. I have reassigned some of my cases to other Deputies Attorney General in my division, who are already very busy with cases of their own, because I realized that I would not be able to timely complete them after multiple extensions. I have largely avoided taking on new cases with deadlines in several months. However, despite these efforts, I have four federal habeas deadlines for which this Court has indicated it is unlikely to grant further extensions absent extraordinary circumstances: replies in support of motions to dismiss in *Pritchett v. Gentry*, 2:17-cv-01694-JAD-DJA; *Randolph v. Baker*, 2:18-cv-00449-RFB-VCF; and *Sprowson v. Baker*, 3:20-cv-00170-MMD-CLB; and an answer to capital matter *Byford v. Reubart*, 3:11-cv-00112-JCM-CSD. I have therefore had to prioritize spending my time on these matters.

5. The Post-Conviction Division of the Nevada Attorney General's Office has had high levels of turnover within the last year, especially with the most senior and experienced members of the division, which has precipitated my need for extensions in multiple cases, as I am now one of the most

1 senior deputies in the Division, handling some of the most complex and time-consuming federal habeas
2 matters, including multiple capital habeas cases, which I have been unable to reassign to less experienced
3 deputies.

4 6. Along with my case obligations, I have also been managing an acute health condition
5 since November 2022, which requires time-consuming daily treatment.

6 7. I contacted Petitioner's counsel regarding this request, and she does not oppose it.

7 8. Based on the foregoing, I respectfully request an enlargement of time of sixty (60) days,
8 up to and including April 18, 2023, in which to file a response or answer to the Second Amended Petition
9 (ECF No. 50).

10 Executed on February 17, 2023.

/s/ Erica Berrett
Erica Berrett (Bar No. 13826)

IT IS SO ORDERED:

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Response or Answer to Second Amended Petition* (ECF No. 50) (First Request) by using the CM/ECF system on the 17th day of February, 2023.

The following participants in this case are registered electronic filing system users and will be served electronically:

Angela H. Dows, Esq.
Cory Reade Dows & Shafer
1333 North Buffalo Drive, Suite 210
Las Vegas, Nevada 89128

/s/ M. Landreth
An employee of the Office of the Attorney General